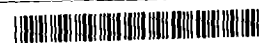


TTAB



11-19-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #66

ATTORNEY DOCKET NO. 1707850  
(now 1708015)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re application of:	)	
	)	
ALJO OPTICAL ASSOCIATES, LTD	)	Appeal From:
	)	
Serial No.: 75/777,480	)	Law Office: 109
	)	
Filed: August 17, 1999	)	Examiner: R. R. Singleton
	)	
Mark: <b>OPTICAL ON SITE</b>	)	
in classes 9 and 42	)	
	)	

**APPLICANT'S BRIEF ON APPEAL**

BOX TTAB NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Applicant has timely appealed to this Board from the final decision of the Trademark Office Examining Attorney, refusing registration of the above mark as merely descriptive of the goods and services specified, under section 2(e)(1), by a paper entered on March 30, 2001.

**I. INTRODUCTION**

Applicant filed its application to register the mark OPTICAL ON SITE on August 17, 1999. The Examining Attorney mailed his Final refusal on March 30, 2001. Applicant noticed

T.A.

its appeal by a document and fee timely Express Mailed on September 30, 2001, acknowledged by the Office as received and docketed on October 1, 2001.

The Examining Attorney in his refusal contends that the OPTICAL ON SITE mark is merely descriptive of the identified goods and services, comprising in Class 9 optical goods and in Class 42 optometric services; the latter may be provided to employees of others “at ... those companies’ locations.” The Examining Attorney asserts that the mark “describes the type of services provided and where the service[s] are provided”, citing dictionary definitions of the words of the mark and also nine excerpted articles using the term “on-site” or the phrase “on site”, including uses in relation to optometrical services. He cites, however, no mere descriptive use of all three of the words of the present mark. The Examining Attorney also cites third-party registrations including only the ON SITE phrase, some on the Supplemental Register and some with ON SITE disclaimed apart from the mark as shown – again, none with the three words of the present mark and application.

As set forth in the following sections of this brief, Applicant submits that the Examining Attorney’s contentions are in error. Applicant therefore asks that this Board reverse the Examining Attorney’s refusal and pass this mark to publication.

## **II. THE RELEVANT FACTS**

The mark of this application is OPTICAL ON SITE, in two classes and for the following goods and services (as amended):

Optical goods, namely, frames, lenses, contact lenses, and accessories for each, namely eyeglass cases, contract lens fluids and cases, wiping cloths, and eyeglass chains and retainers, in international class 9;  
and

Optometric services, namely providing optical [examinations] at retail locations and also to employees of other companies at those companies’ locations, in international class 42.

The Examining Attorney has accepted these statements of goods and services as sufficiently definite (the bracketed word .

The Examining Attorney has twice refused registration under Section 2(e)(1), making the refusal expressly Final in the paper of March 30, 2001. In a first action, the Examining Attorney cited dictionary definitions of each of the terms of the mark. In the final refusal he has cited nine news articles and twelve third party registrations, each allegedly using the words of the present mark in descriptive ways. The dictionary, the articles, and the registrations fail to support the Examining Attorney's position, which is that someone who knows what the goods or services are will understand the mark to convey information about them, as required under *In re Home Builders Assn. of Greenville*, 18 USPQ2d 1313 (TTAB 1990).

The dictionary definitions of the individual words do not show mere descriptiveness of the compound word mark as a whole. No good provided in class 9 is an OPTICAL ON SITE. No service provided in class 42 is an OPTICAL ON SITE. The goods provided are *optical goods*, but that is not the mark. The services provided are *opticians' services provided at customer locations*, but that is not the mark, either. The Examining Attorney's piecemeal analysis of single words of the phrase is flawed and without merit, the same as was held in *In re American Fertility Society*, 51 USPQ2d 1832 (Fed.Cir. 1999) (SOCIETY FOR REPRODUCTIVE MEDICINE registerable, for association services), and *In re Brink's Mfg. Co.*, \_\_\_ USPQ2d \_\_\_ (TTAB Dec. 20, 2000) (SN 75/472,290) (VAN LADDER registerable, for truck-mounted work platforms and booms). OPTICAL ON SITE serves as a source designator for Applicant's goods and services, the same as these registerable marks, not a descriptor of optical goods and services.

None of the nine news articles cited by the Examining Attorney uses the phrase OPTICAL ON SITE in any manner. The Examining Attorney states only, "News articles also clearly demonstrate that the term 'on-site' is used to describe optometric services at locations other than the optometrist office." No issue appears as to that fact – the words ON SITE do have

a common descriptive meaning, but again that is not the mark applied for. The Examining Attorney shows no common descriptive use of the present mark, OPTICAL ON SITE, by anyone, but rather proves the contrary. The mark of the application is not ON SITE alone, as suggested by the cited phrasings, AN OPTOMETRIST OR OPHTHALMOLOGIST WILL BE ON SITE (March 30 attachment, page 3), OPTOMETRISTS WERE ON HAND TO PROVIDE ON-SITE MEDICAL EVALUATIONS (page 8), AN OPTOMETRIST IS ON SITE (page 11), ON-SITE INDUSTRIAL OPTOMETRIC SERVICE (page 14), or the like (see pages 18, 20, 29, and 30). These presumably are the closest phrasings to the mark of this application that the Examining Attorney could find, from millions and millions published in a nine-year period, from late 1991 to early 2001. “Mere descriptiveness” of the mark OPTICAL ON SITE is simply not established by the Examining Attorney by citing and providing these nine news articles. Indeed, the full mark has no merely descriptive meaning either as to optical goods in class 9 or as to optical services provided at locations of others in class 42. Applicant established this in response to the first office action (an on-line Alta-Vista search for uses of “optical on site” had no relevant hits) – but the Examining Attorney ignored that proof.

Applicant further showed, in response to the first action refusal, that ON SITE is a part of hundreds of live registrations and applications, citing nine comparably simple marks by name and by highlighting on the TESS lists. The Examining Attorney declined to consider any of those many marks, on a ground that prints of the TESS pages were not submitted to show whether all of the hundreds of marks are on the Supplemental Register, for instance. Of those nine registrations cited by Applicant, however, only two are on the Supplemental Register or have the ON SITE portion disclaimed; the other seven marks are on the Principal Register (two of them twice) and have no disclaimer of the ON SITE, ONSITE, or ON-SITE portions (two are registered under section 2(f)). These full TESS prints are now attached hereto, at A: ON SITE WEATHER, SUPPORT ON SITE, IMAGE ONSITE (two marks), “DONE RIGHT. ON SITE” (also two marks), WEB-ON-SITE, ON-SITE, AND ONSITE. These registrations fully support registration also

of the current mark, refuting the Examining Attorney's position that the present mark containing ON SITE is unregistrable for that reason.

The Examining Attorney did not respond to Applicant's urging that its Application should not be the only one refused registration among the hundreds of marks for goods and services offered or performed on some site or another, and containing those words, that are allowed and the marks federally registered by the Office. The Examining Attorney instead now cites, in his final refusal, 12 third-party registrations which include the ON SITE phrase, but again none with the full mark of this application, OPTICAL ON SITE. The Examining Attorney states that the cited third-party registrations are either on the Supplemental Register, are supported by a claim of acquired distinctiveness, or have the ON SITE portion disclaimed. This was not responsive to or dispositive of Applicant's showing that marks containing the ON SITE portion, such as OPTICAL ON SITE or the nine comparable registrations noted above among the hundreds listed, are not merely descriptive but are distinctive and registrable.

The mark OPTICAL ON SITE is not more descriptive of optical goods in class 9 or of optometric services provided on premises of others in class 42 than the nine exemplary, registered, not-disclaimed marks of Ex. A are descriptive of their respective services. Applicant's important point is simply and erroneously ignored by the Examining Attorney.

### **III. ARGUMENT**

Only mere descriptiveness of the mark of the application under section 2(e)(1) is in issue on this appeal, and doubts on the proofs and final disposition are to be resolved in Applicant's favor. *In re Atavio Inc.*, 25 USPQ2d 1361 (TTAB 1992). That is, the Examining Attorney has the burden of proving mere descriptiveness. *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987). Here, the Examining Attorney has not carried such burden: he has not shown that OPTICAL ON SITE has any common descriptive meaning – that someone who knows what the goods or services are will understand the mark to convey information about them, under *In re Home Builders Assn. of Greenville*, 18 USPQ2d 1313

(TTAB 1990). In fact and in law it does not. “How do you like my new *OPTICAL ON SITE*?” or “Come visit our *OPTICAL ON SITE* to select your new glasses” are not sentences which make any sense; other words or phrases, such as “visit our *on-site optical shop*” or “we have *an optician who works on-site*, at the plant”, do make sense in our language – but those sentences do not use the mark of this application. The Examining Attorney’s position is without merit and should be rejected.

OPTICAL ON SITE simply does not describe or convey information about any optical goods in class 9, and it does not describe a service of providing optical goods and examinations at others’ facilities. It may be suggestive of the latter, but that makes the mark registerable in class 42, not unregistrable. Indeed, the double entendre – between SITE in the mark and SIGHT for the object of optical services generally – supports registration, making the mark of this application a bit incongruous, requiring a multi-stage reasoning process in a seeker of the optical goods or services – see *In re Kinston Office Supply Co.*, \_\_\_ USPQ2d \_\_\_ (TTAB Jan. 24, 2001) (SN 75/438,489).

Existing registrations of other, similar marks are instructive as to the standards applied by the Trademark Office in allowing registration of similar marks. Applicant showed the Examining Attorney, and now shows more thoroughly to this Board, that many Principal Register registrations have issued using the term ON SITE, without disclaimer – Ex. A contains nine of them, seven of them not under section 2(f). If the Examining Attorney’s position were correct that ON SITE is merely descriptive of whatever goods or services are provided somewhere, then *none* of the registrations cited by Applicant and of the hundreds more listed should have been issued or even applied for. The test invented and applied by this Examining Attorney does not comply with the standards set by the Office, which standards should be uniform and should be uniformly applied. For the many other –ON SITE marks to be registered but the similar present mark to be refused is arbitrary and capricious; the refusal should be reversed on this additional ground.

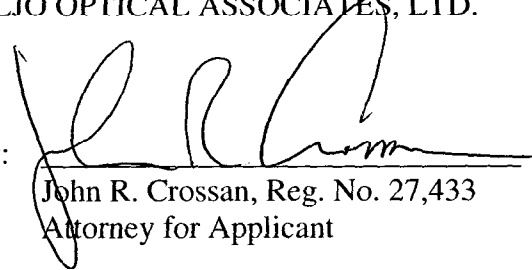
#### IV. CONCLUSION

For each and all of the foregoing reasons, Applicant submits that the Examining Attorney's refusal should be reversed and the Application to register OPTICAL ON SITE should be passed to publication.

Respectfully submitted,  
ALJO OPTICAL ASSOCIATES, LTD.

November 19, 2001

by:

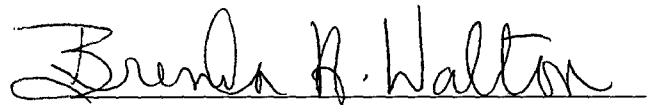


John R. Crossan, Reg. No. 27,433  
Attorney for Applicant

CHAPMAN AND CUTLER  
111 W. Monroe Street, #1700  
Chicago, IL 60603  
312/845-3420  
fax: 312/803-5299

#### CERTIFICATE OF EXPRESS MAILING

I hereby certify that this brief, in an original and three copies, with attachment A to each, is being deposited with the United States Postal Service as Express Mail, label no. EK288579463US in an envelope addressed to the TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date indicated below.



Brenda A. Walton  
November 19, 2001



## U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

Please logout when you are done to release system resources allocated for you.

List At:  OR  to record:  **Record 50 out of 101**

### Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

<b>Word Mark</b>	ON-SITE WEATHER
<b>Goods and Services</b>	IC 042. US 100 101. G & S: weather information services delivered via paging systems. FIRST USE: 19950100. FIRST USE IN COMMERCE: 19950100
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75288360
<b>Filing Date</b>	May 8, 1997
<b>Filed ITU</b>	FILED AS ITU
<b>Published for Opposition</b>	June 8, 1999
<b>Registration Number</b>	2362604
<b>Registration Date</b>	June 27, 2000
<b>Owner</b>	(REGISTRANT) Weather Or Not, Inc. CORPORATION KANSAS 2401 West 48th Terrace Westwood KANSAS 66205
<b>Attorney of Record</b>	ROBERT E MARSH
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WEATHER" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

A-1





# U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

Please logout when you are done to release system resources allocated for you.

List At:  OR  to record:  **Record 3 out of 3**

## Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

Word Mark	SUPPORT ON SITE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: CD-ROM's containing computer programs and data bases featuring technical support information for use in connection with computers and computing; and instructional manuals sold together as a unit. FIRST USE: 19920400. FIRST USE IN COMMERCE: 19920400
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75157363
Filing Date	August 28, 1996
Published for Opposition	February 1, 2000
Registration Number	2344266
Registration Date	April 25, 2000
Owner	(REGISTRANT) MICRO HOUSE INTERNATIONAL, INC. CORPORATION FLORIDA 2477 55TH STREET, SUITE 101 BOULDER COLORADO 80301
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	BRUCE A. KUGLER
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

A-2



## U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 17 04:49:38 EST 2001

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

Please logout when you are done to release system resources allocated for you.

List At:  OR  to record:  **Record 1 out of 2**

### Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

<b>Word Mark</b>	IMAGE ONSITE
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: computer software pertaining to electronic banking services. FIRST USE: 19971200. FIRST USE IN COMMERCE: 19971200
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75055319
<b>Filing Date</b>	February 8, 1996
<b>Filed ITU</b>	FILED AS ITU
<b>Published for Opposition</b>	April 7, 1998
<b>Registration Number</b>	2330043
<b>Registration Date</b>	March 14, 2000
<b>Owner</b>	(REGISTRANT) BANK OF AMERICA CORPORATION CORPORATION DELAWARE 101 SOUTH TRYON STREET CHARLOTTE NORTH CAROLINA 28255
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	MARTHA GAYLE BARBER
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

A-3

**U.S. Trademark Electronic Search System (TESS)**

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

 Please logout when you are done to release system resources allocated for you. List At:  OR  to record:  **Record 2 out of 2****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

<b>Word Mark</b>	IMAGE ONSITE
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: electronic banking services. FIRST USE: 19960400. FIRST USE IN COMMERCE: 19960400
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75055318
<b>Filing Date</b>	February 8, 1996
<b>Filed ITU</b>	FILED AS ITU
<b>Published for Opposition</b>	April 15, 1997
<b>Registration Number</b>	2122209
<b>Registration Date</b>	December 16, 1997
<b>Owner</b>	(REGISTRANT) BankAmerica Corporation CORPORATION DELAWARE 555 California St. Bank of America Center, P.O. Box 37000 San Francisco CALIFORNIA 94104
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Spencer M. Gusick
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

A-4



## U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

Please logout when you are done to release system resources allocated for you.

List At:  OR  to record:  **Record 2 out of 2**

### Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

Word Mark	DONE RIGHT. ON SITE.
Goods and Services	IC 040, US 100 103 106, G & S: destruction of documents and other forms of recorded media. FIRST USE: 19980701. FIRST USE IN COMMERCE: 19980701
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75719680
Filing Date	June 2, 1999
Published for Opposition	December 21, 1999
Registration Number	2329832
Registration Date	March 14, 2000
Owner	(REGISTRANT) Shred-it Canada Corporation CORPORATION CANADA 2359 Royal Windsor Drive Unit 15 Mississauga ONTARIO L5J 1K5
Attorney of Record	Laura J. Hein
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

A-5



# U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#)  
[PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At:  OR [Jump](#) to record:  **Record 1 out of 2**

## Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

**Word Mark** DOCUMENT DESTRUCTION. DONE RIGHT. ON SITE.  
**Goods and Services** IC 040. US 100 103 106. G & S: destruction of documents and other forms of recorded media. FIRST USE: 19990401. FIRST USE IN COMMERCE: 19990401  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75719699  
**Filing Date** June 2, 1999  
**Published for Opposition** May 30, 2000  
**Registration Number** 2379173  
**Registration Date** August 22, 2000  
**Owner** (REGISTRANT) Shred-it Canada Corporation CORPORATION CANADA 2794 South Sheridan Way Oakville ONTARIO L6J 7T4  
**Attorney of Record** Laura J. Hein  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Document Destruction" APART FROM THE MARK AS SHOWN  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#)  
[PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

46



# U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

### Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

Word Mark	WEB-ON-SITE
Goods and Services	IC 042. US 100 101. G & S: Providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information. FIRST USE: 19970915. FIRST USE IN COMMERCE: 19970915
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75306295
Filing Date	June 9, 1997
Filed ITU	FILED AS ITU
Published for Opposition	December 29, 1998
Registration Number	2312229
Registration Date	January 25, 2000
Owner	(REGISTRANT) Web-On-Site, Inc. CORPORATION DELAWARE 2051 Westwood Circle Smyrna GEORGIA 30080
Attorney of Record	PETER S CHASE
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [TOP](#) [HELP](#)

A-7



# U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">BOTTOM</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

Please logout when you are done to release system resources allocated for you.

List At:  OR  to record:  **Record 68 out of 151**

## Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	ON-SITE
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: PORTABLE EMERGENCY EYE WASH STATION COMPRISING A CONTAINER, SOLD EMPTY, FOR THE EYE WASH SOLUTION AND HAVING A BUILT-IN EYE WASH PLATFORM, FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL USE. FIRST USE: 19990500. FIRST USE IN COMMERCE: 19990500
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75706270
Filing Date	May 14, 1999
Filed ITU	FILED AS ITU
Published for Opposition	November 30, 1999
Registration Number	2416520
Registration Date	December 26, 2000
Owner	(REGISTRANT) Bradley Corporation CORPORATION WISCONSIN W142 N9101 Fountain Boulevard P.O. Box 309 Menomonee Falls WISCONSIN 53051
Attorney of Record	Richard J. McKenna
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>
<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>										

A-8



# U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Nov 3 04:48:41 EST 2001

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#)  
[PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At:  OR [Jump](#) to record:  **Record 62 out of 151**

## Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

**Word Mark** ONSITE  
**Goods and Services** IC 016. US 002 005 022 023 029 037 038 050. G & S: MAGAZINE DIRECTED TO THE FOODSERVICE FIELD. FIRST USE: 19980713. FIRST USE IN COMMERCE: 19980713  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75827043  
**Filing Date** October 18, 1999  
**Published for Opposition** December 12, 2000  
**Registration Number** 2433185  
**Registration Date** March 6, 2001  
**Owner** (REGISTRANT) Lebhar-Friedman Inc. CORPORATION NEW YORK 425 Park Avenue New York NEW YORK 100223556  
**Attorney of Record** Martin J. Beran  
**Prior Registrations** 2126452  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)  
**Live/Dead Indicator** LIVE

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#)  
[PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

A-9